

COUNTY OF YORK

MEMORANDUM

DATE: July 11, 2000 (BOS Mtg.7/18/00)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator

SUBJECT: Application No. ZT-48-00, York County Planning Commission

ISSUE

This application seeks an amendment of the York County Zoning Ordinance to delete places of worship as a permitted use in the IL-Limited Industrial and WCI-Water Oriented Commercial/ Industrial districts.

CONSIDERATIONS/CONCLUSIONS

1. Prior to the 1995 revision to the Zoning Ordinance, places of worship were not permitted in the IL-Limited Industrial and WCI-Water oriented Commercial/Industrial districts. Staff has researched the documents related to the 1995 revision and has been unable to find any written documentation as to why the change was made to the Table of Land Uses.
2. In 1998, the Executive Director of the York County Industrial Development Authority, noting the limited amount of land zoned for light industrial uses, requested that the County consider amending the Zoning Ordinance to eliminate places of worship as a permitted use in the IL and WCI districts.
3. This proposal was submitted to the Planning Commission for formal consideration in September of 1998, along with a series of other proposed amendments to the Zoning Ordinance. The Planning Commission recommended approval of the change; however, the proposal to modify places of worship in the Table of Land Uses was withdrawn prior to consideration by the Board of Supervisors. This action was taken as a result of concerns raised by St. Mark Lutheran Church, which owns property zoned IL in the Victory Industrial Park. The Church was in the process of developing expansion plans, which may have been negatively impacted by the change in permitted uses in the IL district. Staff understood that the submittal of a site plan by the Church was imminent and therefore believed the text amendment could wait until the Church received final site plan approval from the County. This action would have helped the Church obtain vested rights for its desired future expansion plans.
4. County staff and Church representatives have held a number of meetings since October 1998 in order to discuss the impact of the proposed amendment on the Church as well as to discuss the topic of vested rights. While these meetings have generally been productive, the Church has not submitted the anticipated site plan for approval by the County. Church representatives have been made aware of the continuing concerns of the County and of this proposed text amendment and in response have submitted a rezoning application, which they believe is the best approach to resolving their concerns related to the use of Church property.

PLANNING COMMISSION

The Planning Commission will consider the proposed text amendment at its meeting of July 12, 2000. The recommendation of the Planning Commission will be provided to the Board as soon as possible following that meeting.

COUNTY ADMINISTRATOR RECOMMENDATION

The issues and concerns raised in 1998 regarding the potential loss of the limited supply of IL zoned property to inappropriate institutional uses remain in 2000. A site plan resolution of the concerns of St. Mark Lutheran Church no longer appears imminent, and I believe the proposed amendment to the Zoning Ordinance must proceed in order to protect the interests of the County. Furthermore, staff has noted concern that additional IL property, other than that owned by St. Mark Lutheran Church, may be at risk for potential development for tax exempt church use. Therefore, the text amendment was accelerated for the Board's consideration in July rather than proceed on the standard schedule which would have resulted in the application coming before the Board in August.

I recommend approval by the adoption of Ordinance 00-12.

Baldwin/3495
Attachment

- Proposed Ordinance No. 00-12